

Introduced by Senator Hancock

February 26, 2009

An act to add Section 17075.20 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 375, as introduced, Hancock. School facilities.

The Leroy F. Greene School Facilities Act of 1998 establishes a school facilities construction and modernization program that requires the State Allocation Board to provide state per-pupil funding to applicant school districts. The act authorizes a school district that meets specified characteristics established pursuant to regulations to receive financial hardship assistance for school facility construction and modernization in cases of extraordinary circumstances. Extraordinary circumstances may include the need to repair, reconstruct, or replace the most vulnerable school facilities that are determined by the department to pose an unacceptable risk of injury to its occupants in the event of a seismic event.

The Kindergarten-University Public Education Facilities Bond Act of 2006 provides that of the \$1,900,000,000 of bond proceeds set aside for new construction of school facilities up to 10.5% is required to be available for purposes of seismic repair, reconstruction, or replacement.

This bill would require the State Allocation Board to review criteria for funding eligibility under the Seismic Mitigation Program and, if necessary, adopt regulations to provide greater access to funding for school districts and county offices of education that have seismically at-risk school buildings, as defined. The board also would be required to review and adopt regulations for apportioning funds pursuant to the Seismic Mitigation Program. The bill would require apportionments to

fund the evaluation by a structural engineer or equivalent professional who is certified to test for the structural safety of school buildings, of a facility to determine if the building is determined to be seismically at risk, the repair, reconstruction, or replacement of a building evaluated and determined to be seismically at risk, and interim housing for displaced pupils who would otherwise be housed in a school building that is evaluated and determined to be seismically at risk.

The board would be required to create an unfunded approval list of applicants with buildings determined to be seismically at risk if applications for funding exceed the amount of funds set aside for the repair, reconstruction, or replacement of seismically at risk school buildings.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares as follows:
2 (1) Section 17317 of the Education Code required the
3 Department of General Services to conduct an seismic safety
4 inventory of the most vulnerable school buildings.
5 (2) The Kindergarten-University Public Education Facilities
6 Bond Act of 2006 provided one hundred ninety-nine million five
7 hundred thousand dollars (\$199,500,000) for purposes of repairing,
8 reconstructing, or replacing seismically at-risk school buildings.
9 (3) The Department of General Services has received reports
10 from school districts of practical impediments to accessing those
11 funds, including regulations adopted by the State Allocation Board
12 to implement the program.
13 (b) It is the intent of the Legislature to provide necessary
14 assistance for the repair, reconstruction, or replacement of school
15 facilities at risk during a seismic event.
16 SEC. 2. Section 17075.20 is added to the Education Code, to
17 read:
18 17075.20. (a) The board shall review the regulations and
19 criteria for funding eligibility under the Seismic Mitigation
20 Program and, if necessary, adopt regulations to provide school
21 districts and county offices of education greater access to funding
22 under that program for seismically at-risk school buildings,
23 including, but not limited to, buildings that are identified as most

1 vulnerable category 2 buildings, as defined in Section 1859 of
2 Title 2 of the California Code of Regulations.

3 (b) The board shall review regulations and adopt new regulations
4 for apportioning the funds set aside pursuant to paragraph (1) of
5 subdivision (a) of Section 101012 for purposes of seismic repair,
6 reconstruction, or replacement.

7 (c) Apportionments made pursuant to the Seismic Mitigation
8 Program shall fund the following:

9 (1) The evaluation of a school facility to determine if the
10 building is seismically at risk by a structural engineer or equivalent
11 professional who is certified to test for the structural safety of
12 school buildings.

13 (2) The repair, reconstruction, or replacement of a school
14 building evaluated and determined to be seismically at risk.

15 (3) Interim housing for displaced pupils who would otherwise
16 be housed in a school building that is evaluated and determined
17 to be seismically at risk.

18 (d) If applications for funding under this section exceed the
19 amount of funds set aside for the repair, reconstruction, or
20 replacement of seismically at risk school buildings pursuant to
21 paragraph (1) of subdivision (a) of Section 101012, the board shall
22 create an unfunded approval list of applicants with school buildings
23 determined be seismically at risk.